

FILED

FEB 21 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AIMAN MUSLEH,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-75450

Agency No. A79-052-042

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Aiman Musleh, a Palestinian and a citizen of Israel, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen to apply for adjustment of status based on his marriage to a United States citizen. To

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

the extent we have jurisdiction, it is conferred by 8 U.S.C. § 1252(a). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to consider Musleh's contentions regarding the BIA's May 25, 2004 order because the instant petition for review is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1).

Musleh filed a timely petition for review of the BIA's September 30, 2004 decision, denying his motion to reopen, but his brief failed to address the denial of reopening. He therefore waived that issue. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1960 (9th Cir. 1996).

PETITION FOR REVIEW DISMISSED in part; DENIED in part